

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA §  
vs. §  
LEE ROY VILLARREAL §  
§  
§  
§  
Criminal No. 4:15-cr-0566

**GOVERNMENT'S MOTION FOR NOTICE OF DEFENDANT'S  
USE OF FED. RULE OF EVIDENCE RULE 609(a)(2) and 609(b)**

The United States of America (“Government”) files this motion requesting notice of the Defendant’s intent to introduce evidence to impeach its witnesses pursuant to Fed. Rule of Evidence 609(a)(2) and 609(b):

I.

The Government provided defense counsel the criminal convictions of its potential witnesses. Fed. Rule of Evidence 609(1) dictates that any conviction that is punishable by death or imprisonment for more than one year is admissible unless more than 10 years have passed since the witness's conviction or release from confinement for it, whichever is later. If more than 10 years have passed since the witness's conviction or release from confinement the Court can still allow its admission if (i) the probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect and (ii) the proponent gives an adverse party reasonable written notice of the intent to use it so that the party has a fair opportunity to contest its use. See, Fed. Rule of Evidence 609(b)

II.

Fed. Rule of Evidence 609(a)(2) dictates that regardless of the punishment, a witness's criminal conviction must be admitted if the court can readily determine that establishing the elements of the crime require proving – or the witness's admitting – a dishonest act or false statement.

III.

If the Defendant intends to impeach a witness with criminal convictions that fall under Fed. Rule of Evidence 609(a)(2) and 609(b), the Government requests notice so that the Court can address them before trial.

Respectfully submitted,

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s/ Anibal J. Alaniz

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**CERTIFICATE OF SERVICE**

On June 7, 2021, the Government filed this Motion and served to counsel of record via ECF filing.

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